

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

COALITION TO LIMIT UNIVERSITY  
EXPANSION,

Plaintiff,

v.

GEORGE BLUMENTHAL, Acting  
Chancellor, University, Santa Cruz, in his  
official capacity; and DEVCON  
CONSTRUCTION, INC.,

Defendants.

No. C 06-02753 CRB

**ORDER REGARDING MOTION FOR  
RECONSIDERATION**

Now pending before the Court is plaintiff's motion for reconsideration of the Court's dismissal of its claim for violations of the Industrial Permit at the Fleet Services without leave to amend. The Court dismissed the claim without leave to amend as plaintiff's opposition did not address defendants' motion to dismiss the claim. Plaintiff moves for reconsideration on the ground that while its Opposition was not "as clear as it should have been," plaintiff did, in fact, oppose dismissal.

The Court has reviewed plaintiff's Opposition and concludes, as it did before, that plaintiff's Opposition does not address defendants' motion to dismiss the Fleet Services claim. Nonetheless, as claims should be resolved on the merits, the Court will amend its

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dismissal order to dismiss the Fleet Services claim with leave to amend.

**IT IS SO ORDERED.**

Dated: November 9, 2006



CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE